

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

GEORGE L. WADE, JR., THE ESTATE OF
GEORGE L. WADE, SR., DECEASED, AND
HIS HEIRS AT LAW

PLAINTIFFS

v.

CAUSE NO. 2:16cv47 KS-MTP

THE CITY OF HATTIESBURG, MS, OFFICERS
DEMETRIUS BRELAND and NAROTTAM
HOLDEN, INDIVIDUALLY AND IN THEIR
CAPACITIES AS POLICEMEN WITH THE
HATTIESBURG POLICE DEPARTMENT,
and JOHN DOES 1-10

DEFENDANTS

**MOTION TO DISMISS CLAIMS AGAINST CITY OF HATTIESBURG AND OFFICERS IN
THEIR OFFICIAL CAPACITY PURSUANT TO F.R.C.P. 12(b)(6) OR, ALTERNATIVELY, 12(c)**

Defendants, City of Hattiesburg, Mississippi, Demetrius Breland and Narottam Holden,
file this Motion to Dismiss Pursuant to F.R.C.P. 12(b)(6) or, alternatively, 12(c) and state in
support:

I.

Plaintiffs filed their Complaint on April 13, 2016. [Doc. #1].

II.

Plaintiffs' Complaint is a "prototypical example of 'a shotgun approach to pleadings'" concerning the claims Plaintiffs attempted to plead against the City of Hattiesburg and the Defendant Officers in their official capacities. Plaintiffs' Complaint contains boilerplate language that is insufficient to state a claim against Hattiesburg and the officers in their official capacities pursuant to *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

WHEREFORE, Defendants request that this Court dismiss Plaintiffs' claims pursuant to 42 U.S.C. § 1983 against the City of Hattiesburg and the Defendant Officers in their official capacities pursuant to F.R.C.P 12(b)(6) or, alternatively, 12(c).

Respectfully Submitted, this the 16th day of January, 2017.

/s/ Lane Dossett
CLARK HICKS, JR. (MSB No. 8963)
R. LANE DOSSETT (MSB No. 102927)
*Attorneys for Defendants, City of Hattiesburg,
Mississippi; Hattiesburg Police Department;
Officer Demetrius Breland
and Officer Narottam Holden*

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CERTIFICATE OF SERVICE

I, undersigned counsel, do hereby certify that I have this day electronically filed the foregoing ***Motion to Dismiss Claims Against City of Hattiesburg and Officers in their Official Capacity Pursuant to F.R.C.P. 12(b)(6) or, Alternatively, 12(c)*** the Clerk of the Court using the ECF system, which sent notification of such filing to all registered users, including, the opposing parties' attorney.

THIS the 16th day of January, 2017.

/s/ Lane Dossett
CLARK HICKS, JR. (MSB No. 8963)
R. LANE DOSSETT (MSB No. 102927)
*Attorneys for Defendants, City of Hattiesburg,
Mississippi; Hattiesburg Police Department;
Officer Demetrius Breland
and Officer Narottam Holden*